

ORDINANCE NO. **49-197**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2011-00040

Zone change request from SF-5 Single-family Residential ("SF-5") to GC General Commercial ("GC"), subject to Protective Overlay ("P-O") 262 on properties described as:

Lots 49, 51, 53, 55, 57 and 59, Garfield Park Addition to Wichita, Sedgwick County, Kansas

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #262:

- A. Although the site is zoned GC, the only GC uses permitted are "parking area, commercial," "vehicle storage yard" and the outside storage of dumpsters or similar equipment associated with the operation of a trash hauling service or similar use, plus all uses permitted by right in the LC district. In no circumstance is the placement, deposition or storing of solid waste, trash, salvage, scrap, wrecked or recyclable materials or vehicles permitted on the site. Vehicles, dumpsters or other containers loaded with municipal solid waste or any putrescible waste are not permitted to be parked, located or stored on the site. The maximum number of trucks permitted to be parked on the property shall be five.
- B. The site and permitted uses shall be developed and operated in conformance with all applicable city, county, state and/or federal regulations, and including, but not limited to the screening, paving and landscaping requirements.
- C. Access to Merton is prohibited and the applicant shall provide complete access control from Merton to the second existing driveway (75 feet from the northeast corner of the application area or approximately 100 feet from the centerline of Merton). The northern most drive way will be closed by the City as part of the City's improvements to Meridian.
- D. The applicant shall submit a site plan depicting the site, and how it is anticipated the site will be used; e.g. employee parking, truck parking, screening, non-vehicle storage, if any, access points, etc.
- E. All requirements shall be completed prior to commencing any non-SF-5 permitted uses on the site.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 7th day of February, 2012.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law